

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by COL Joe E. Ethridge, Deputy Commander, USACIDC

(Appointing authority)

on 13 NOV 09 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at Fort Belvoir, VA (Place) at 1300 hrs (Time)

on 13 NOV 09 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

On 16 NOV 09 through 18 NOV 09 the investigation continued at the USA Criminal Laboratory, Fort Gillam, Georgia.

On 19 NOV 09 and 20 NOV 09 the investigation continued at the HQ USACIDC.

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1300 hrs (Time) on 20 NOV 09 (Date)

and completed findings and recommendations at 1700 HRS (Time) on 20 NOV 09 (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

	YES	NO	1	NA
1 Inclosures (para 3-15, AR 15-6)				
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)				
a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Copy of notice to respondent, if any? (See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

FOOTNOTES: 1 Explain all negative answers on an attached sheet.

2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation

	YES	NO	1/ N.
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/> )			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

**SECTION IV - FINDINGS** (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

In direct response to the appointment order, I submit the following:

- a. Mr Ryan Coffey did not receive an increase in pay due to favoritism. Mr Ryan Coffey is one of the lowest paid employee in his section (base salary, encl II).
- b. Mr Ryan Coffey has not received any form of preferential treatment. But, there is a perception that Don Coffey, Ryan's father, influences decisions about his son. The elder Coffey spends entirely too much time discussing issues involving the firearms division in the Reach-Back Operations Center (RBOC) (where his son works) and spends too much time "visiting" this section (Sweet, encl III; Mikko, encl IV; Turner, encl V; Bell, encl VI). Don Coffey is the latent print supervisor in the Forensic Analysis Division.
- c. Mr Ryan Coffey's colleagues were not and are not currently being improperly treated or illegally discriminated against. But, again, there are perceptions that managers are biased for a variety of reason (specifically race and nepotism) and there is an ongoing promotion issue that has racial undertones. This involves a hiring action for a permanent firearms examiner (encl IV and VI).
- d. Managers are technically following prescribed National Security Personnel System (NSPS) procedures for hiring and employment. But, there are significant management issues. Promises (pay raises, incentives, moving allowances) have been made to employees by one manager (Mikko) who did not have the authority to make these promises or the capability to follow through with these promises (III, IV, V, VI, Cox, encl VII; R Coffey, encl VIII). Also, new hires in a specific field were hired at least 4 different levels of pay and position (I and position descriptions, encl IX). Basically, they are all doing the same training and work but are getting paid differently. To compound the problem, management is now trying to "level the playing field" (IV). Additionally, managers and employees freely discuss wages and salaries in open forums (IV). It is an environment where it seems a lot of employees are concerned about how much other people make (through statements and discussions with personnel section and Lab leadership). This environment is allowed to flourish by the managers of the Lab and creates a confusing atmosphere for employees.
- e. Neither Rick Tontarski nor Robert Abernathy act with favoritism toward Mr Ryan Coffey. There is no evidence they act with favoritism towards anyone at the laboratory. But, there is a perception that Mr Tontarski acts with favoritism in hiring practices and salary determination (II, V, VI, Doyne, encl X), possibly for improper or illegal reasons.
- f. Rick Tontarski only has a distant professional relationship with Ryan Coffey. This relationship is no different than the professional relationship with others at the same level, but there are some who perceive it differently. Mr Robert Abernathy does not have a relationship professional or personal, with Ryan Coffey (VIII, Tontarski, encl XI, D Coffey, encl XII, discussions with Mr Abernathy and Mr Chelko).
- g. Rick Tontarski and Robert Abernathy do not act with favoritism toward Don Coffey.
- h. Rick Tontarski and Don Coffey have a professional working relationship only. Rick Tontarski is Don Coffey's immediate supervisor and there is no evidence of a personal relationship. Additionally, Robert Abernathy only has a professional relationship with Don Coffey and there is no evidence of a personal relationship.
- i. There is not a "close relationship" between Mr Tontarski and the Coffey family.
- j. There is not a "close relationship" between Mr Abernathy and the Coffey family.

General Findings are continued on following page.

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

- a. The Lab should conduct a command climate survey immediately.
- b. The Lab should conduct a full fledged EO training immediately (not just the 1 hour class, but an in depth training and discussion session). They should consider bringing in outside trainers and a potential stand down.
- c. A concerted effort should be made by the Lab to increase diversity in its technical workforce. Although the HQ and support sections are very diverse, the technical side of the lab has only 9 black personnel (manning roster, encl XIII). There is great diversity with gender as half of the technical workforce is female. But, there are only a couple of female supervisors. Although a long process depending mostly on retirements, the Lab should make all efforts to ensure female and minority employees enjoy the same leadership and promotion opportunities as their male counterparts.
- d. Mr Don Coffey should abstain from any discussion involving the firearms division or his son. Also, he should not conduct himself in a way that may be misconstrued as undue influence. He needs to stay away from the firearms division altogether. Mr Coffey's managers should enforce this as well.
- e. Some subordinate supervisors will routinely discuss operational matters with the director of the Lab or the Chief of Staff, bypassing the main supervisor. Recommend all operational matters use the proper chain of command. For example, operational issues involving any section in the FAD should be routed through the FAD Chief.
- f. Recommend the Lab conduct leadership and management training for all its supervisors. Include in this training basic leadership, personnel management, expectations, confidentiality rules, etc.
- g. Clearly define and publish requirements for promotion for all personnel. In addition, ensure every manager and employee is aware of the current personnel management system and how this system affects them. Also, create an environment where openly discussing pay and allowances of employees, along with promotion and hiring actions, is not discouraged.

**SECTION VI - AUTHENTICATION** (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

\_\_\_\_\_  
(Recorder)

  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

**SECTION VII - MINORITY REPORT** (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board.  
(In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

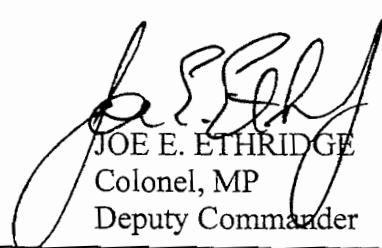
\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

**SECTION VIII - ACTION BY APPOINTING AUTHORITY** (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

1. The findings of the investigation officer are approved.
2. Recommendations a., b., and f., are approved and should be accomplished within the next four months.
3. Recommendations c. and g. are approved as objectives.
4. Recommendation d. and e. are approved and should be implemented immediately.
5. The investigation will be forwarded to the Director, USACIL, for appropriate action.

  
JOE E. ETHRIDGE  
Colonel, MP  
Deputy Commander

cont from findings:

To further summarize the general findings, I submit the following. The crime laboratory (Lab) has a predominantly civilian work force. When the lab had to expand its workforce in support of the expeditionary forensics division, a full out effort was initiated to hire personnel quickly and fill the authorized slots. Included was the requirement to fill six firearms positions. Finding qualified applicants to hire for the normal firearms examiner position proved difficult, so four different duty positions were created to ensure the positions could be filled. These duty positions are "firearms and tool mark technician" YB-1802-01, "firearms and tool mark technician" YB-1802-02, "firearms and tool mark examiner, YA 0301-02, and "firearms and tool mark examiner" YA-0301-02 (encl IX). In the old GS system, these positions would go from GS-5 to GS-7 to GS-9 to GS 13. While conducting the hiring process, it is clear that matrixes were used and appropriate boards were conducted. During the discussions for hiring, experience, current pay level and qualifications were used to determine the level where an applicant was hired. Mr Ryan Coffey was hired at near the lowest level. Mr Bell was hired at the highest level, exceeding the other personnel in his branch by more than \$12,000 per year (encl II). Each applicant was promised a 5% pay raise by Mr Mikko when they completed training and more raises when certain levels of certification were met. Also, at least one applicant was promised moving allowances and never received this allowance. Currently, the personnel assigned to the expeditionary forensics division (EFD) work directly for the appropriate branch chief in the forensic analysis division (FAD). For example, the firearms personnel assigned to the EFD work for Mr Mikko, who is the firearms supervisor in FAD, while going through training. This seems to cause some confusion and is a natural source of tension between managers in the EFD and the FAD because the employees are actually assigned to the RBOC in the EFD. Additionally, the EFD is a new concept and there are "growing pains" associated with bringing into the Lab this new element. Personnel assigned to most EFD positions are also temporary hires.

There is a perception by some that the laboratory is not a diverse workplace. Specifically, the technical side is almost all white with very few female supervisors. Mr Bell, who is black, has recently applied for a permanent position in the firearms division and before the hiring action was taken, the position was removed from the firearms division by Mr Tontarski. The reason given was the position was needed elsewhere, but this decision was made after the position was posted by Mr Mikko and after a list of names (with Mr Bell the second on the list provided by Mr Mikko) was presented. It is not clear if Mr Mikko is working on his own without consulting his supervisor or the relationship is so bad between him and his supervisor that it makes every action involving the firearms section dysfunctional. Although this could be a racial issue, it is difficult to know for sure and gets to a more in depth issue at the Lab. This issue is a brewing, serious problem with managers who do not get along with each other at all. This extremely bad relationship exists between at least four managers (Tontarski, Mikko, D Coffey and Doyne). Both Mr Mikko and Mr D Coffey work for Mr Tontarski. Mr Doyne used to work for Mr Coffey but now works as the chief of the reach back operations center where the firearms personnel for the EFD are assigned (including R Coffey and Bell). The bad relationships are exacerbated by the ability of junior managers (Mikko and D Coffey) to freely bypass middle management (Tontarski) and go directly to the Director of the Lab and consult on operational matters.

#### Order of Investigation:

Initial consult with CID SJA on 12 NOV 09

Received Appointment Order on 13 NOV 09

Traveled to Fort Gillem on 16 NOV 09, discussed investigation with Mr Chelko, Mr Abernathy and began interviews starting with employees of the reach back operation (firearms section)

Continued interviews and discussions with Crime Lab staff working up the chain

Traveled back to Fort Belvoir on 18 NOV 09

Continued phone interviews on 19 NOV 09

Continued to organize exhibits and finalize report on 20 NOV 09

#### List of enclosures:

Encl I -- Appointment Order dated 13 NOV 09

Encl II -- Base salary of firearms reach back personnel

Encl III -- Statement of Kellie Sweet, firearms

Encl IV -- Memorandum of interview for Mr Don Mikko

Encl V -- Memorandum of interview for Ms Denise Turner

Encl VI -- Memorandum of interview for Mr A.D. Bell

Encl VII -- Statement of William Cox, firearms

Encl VIII -- Statement of Ryan Coffey, firearms

Encl IX -- Position Descriptions (4)

Encl X -- Statement of William Doyne

Encl XI -- Statement of Rick Tontarski

Encl XII -- Statement of Don Coffey

Encl XIII -- Personnel Roster for the Lab



DEPARTMENT OF THE ARMY  
U. S. ARMY CRIMINAL INVESTIGATION COMMAND  
6010 6th STREET  
FORT BELVOIR, VIRGINIA 22060-5506

REPLY TO  
ATTENTION OF:

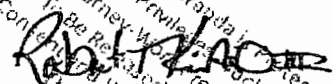
CIJA-ZA

23 November 2009

MEMORANDUM FOR COL Joe E. Ethridge, Deputy Commander, Operations, USCIDC

SUBJECT: Legal Review: AR 15-6 Investigation by COL Eric Belcher, G-3, USACIDC

1. I have reviewed the above-referenced investigation and find it to be legally sufficient.
2. I further find that:
  - a. The investigation was conducted in accordance with law and regulation;
  - b. There are no material legal or factual errors;
  - c. There is sufficient evidence to support the findings;
  - d. The recommendations are consistent with the findings.
3. No further legal review is necessary. The point of contact for this legal review is the undersigned at (703) 806-0369 or via e-mail to [robert.kincaidiii@us.army.mil](mailto:robert.kincaidiii@us.army.mil).

  
ROBERT T. KINCAID III  
MAJ, JAG  
Deputy Staff Judge Advocate





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
6010 6TH STREET  
FORT BELVOIR, VA 22060-5506

CICG-ZB

NOV 13 2009

MEMORANDUM FOR COL Eric R. Belcher, Deputy Chief of Staff for Operations,  
Headquarters, US Army Criminal Investigation Command, 6010 6<sup>th</sup> St., Ft. Belvoir, VA 22060

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to investigate the allegations made in an undated, anonymous letter given to Ms. Lisa Kreeger-Norman, a staff attorney at the U.S. Army Criminal Investigation Laboratory. You will use the informal investigation procedures of AR 15-6.
2. The letter alleges that the career of Mr. Ryan Coffey has been improperly advanced. It also alleged that Mr. Coffey received a preferential pay increase while his colleagues were denied an increase based upon their gender, ethnicity and religion.
3. Mr. Don Coffey, the father of Ryan Coffey, is alleged to have used his position to influence Mr. Rick Tontarski and Mr. Robert Abernathy to implement nepotism, favoritism and discrimination in favor of Mr. Ryan Coffey, to the detriment of other employees.
4. You will render your findings and recommendations as required by paragraphs 3-10 and 3-11, AR 15-6. Your findings should address the following:
  - a. Did Mr. Ryan Coffey wrongfully receive an increase in his pay due to favoritism or bias?
  - b. Did Mr. Ryan Coffey receive any other form of preferential treatment (unfair or illegal) at the expense of others?
  - c. Were Mr. Ryan Coffey's colleagues improperly treated or illegally discriminated against? If so, was this treatment based upon gender, ethnicity, religion or any other improper or discriminatory reason?
  - d. Are managers following the prescribed National Security Personnel System procedures to determine where within the pay band an employee should fall?
  - e. Is either Mr. Rick Tontarski or Mr. Robert Abernathy acting with favoritism toward Mr. Ryan Coffey?



CICG-ZB

SUBJECT: Appointment as Investigating Officer

f. Does either Mr. Rick Tontarski or Mr. Robert Abernathy have a relationship with Mr. Ryan Coffey? If so, what is that relationship?

g. Is either Mr. Rick Tontarski or Mr. Robert Abernathy acting with favoritism toward Mr. Don Coffey?

h. Does either Mr. Rick Tontarski or Mr. Robert Abernathy have a relationship with Mr. Don Coffey? If so, what is that relationship?

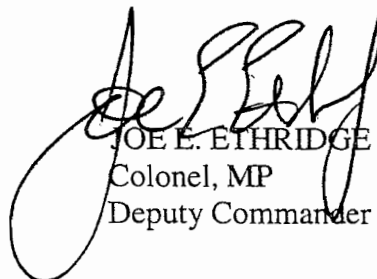
i. Is Mr. Tontarski unable to be objective in his management because of an alleged close relationship with the Coffey family?

j. Is Mr. Abernathy unable to be objective in his management because of an alleged close relationship with the Coffey family?

5. During the course of your investigation, all statements should be sworn and the individuals given a Privacy Act statement (which MAJ Kincaid will provide to you). You may summarize statements of individuals whose verbal statements provide background or perspective. You must preserve all written statements. No criminal activity has been alleged or is suspected at this time. You must read military personnel their rights before you ask any question to which the answer might incriminate them. Civilian personnel are required to cooperate in your investigation. In the event you uncover criminal or other improper activity, you must read the military employees their rights. You need only read civilian employees their rights if you suspect them of a crime.

6. The Deputy Staff Judge Advocate is your legal advisor. You should consult with him before you begin your investigation.

7. Submit your findings and recommendations on a DA Form 1574 to the Office of the Staff Judge Advocate prior to submission to me by 24 November 2009.



JOE E. ETHRIDGE  
Colonel, MP  
Deputy Commander